

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
MINUTES OF A PUBLIC HEARING**

DATE..... March 17, 2004
 TIME..... 7:00 P.M.
 PLACE..... County Office Building
 20 N. 3RD Street
 Lafayette, IN 47901

MEMBERS PRESENT

Mark Hermodson
 KD Benson
 John Knochel
 David Williams
 Jeff Kessler
 Gary Schroeder
 Steve Schreckengast
 Kathy Vernon
 Kevin Klinker
 Mike Smith
 Vicky Pearl
 Bob Bowman
 Steve Egly

MEMBERS ABSENT

Lynda Phebus
 Dr. Carl Griffin

STAFF PRESENT

Sallie Fahey
 Don Lamb
 Michelle D'Andrea
 Jay Seeger, Atty

The Area Plan Commission of Tippecanoe County Public Hearing was held on the 18th day of March 2004, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

Mark Hermodson called the meeting to order.

I. BRIEFING SESSION

Sallie Fahey informed the Commission that **Z-2166 Eagles Nest Corp.** and **Z-2167 Mann Properties (Lauren Lakes)** would have to be continued to the April 21 meeting at the petitioners request. She mentioned that Mann Properties would be holding a meeting for the community on April 15, 2004. She stated that **S-3461 Barr Minor Subdivision** would have to be continued to the April 7 Executive Committee meeting because of flood plain issues as well as **S-3467 Tippecanoe Shoppes Subdivision** because of issues with the SR 26 right-of-way. She said that **S-3470 Harrison Highlands Subdivision** would have to be continued to the April 21 meeting because the legal description was incorrect. She stated that the Resolutions were ready to be heard.

II. APPROVAL OF MINUTES

Jeff Kessler moved to approve the minutes of the February 18, 2004 minutes. Steve Schreckengast seconded and the motion carried by voice vote.

III. NEW BUSINESS

A. FINAL DETAILED PLANS

1. **RESOLUTION PD 04-05: Hawthorne Meadows PLANNED DEVELOPMENT, (Z-2123)**
 Final Detailed Plans (construction plans only) for a 178 lot single-family residential development on 43.02 acres, located south of SR26E, west of CR 550E and northeast of the I-65 right-of-way, Perry 30 (SW) 23-3.

Jeff Kessler moved to approve **RESOLUTION PD 04-05**. Steve Schreckengast seconded the motion.

Sallie Fahey presented slides of the zoning map and site plan. She read the staff report with recommendation of approval.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, concurred with staff report and asked for approval.

The Commission voted by ballot 13 yes – 0 no to approve **RESOLUTION PD 04-05**.

2. **RESOLUTION PD 04-06: BENJAMIN CROSSING PLANNED DEVELOPMENT, SECTION 3 (Z- 2076)** Final Detailed Plans (final plat only) for a 73-lot single-family residential development on 14.95 acres at the northeast corner of Concord Road and CR 450 S, in Wea 15(NE)22-4.

Jeff Kessler moved to approve **RESOLUTION PD 04-06**. Steve Schreckengast seconded the motion.

Sallie Fahey presented slides of the zoning map and site plan. She recapped the staff report with recommendation of approval.

Joseph T. Bumbleburg concurred with staff report and asked for approval.

The Commission voted by ballot 13 yes – 0 no to approve of **RESOLUTION PD 04-06**.

Vicki Pearl left the room because of a conflict of interest.

3. **RESOLUTION PD 04-07: HERON BAY PLANNED DEVELOPMENT, (Z-2148)** Final Detailed Plans for a 53-lot single-family residential development on 14.40 acres located east of Old US 231 between Twyckenham Blvd. And Rostone Circle, in Lafayette, Wea 5 (SW) 22-4.

Jeff Kessler moved to approve **RESOLUTION PD 04-07**. Steve Schreckengast seconded the motion.

Sallie Fahey presented slides of the zoning map and site plan. She read the staff report with recommendation of approval.

Joseph T. Bumbleburg concurred with the staff report and asked for approval.

The Commission voted by ballot 12 yes – 0 no to approve **RESOLUTION PD 04-07**.

Vicki Pearl returned to the meeting.

IV. PUBLIC HEARING

Jeff Kessler moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance of Tippecanoe County, Indiana, are hereby entered by reference into the public record of each agenda item. Steve Schreckengast seconded and the motion carried by voice vote.

Mark Hermodson read the meeting procedures.

Jeff Kessler moved to continue **Z-2166—EAGLE'S NEST CORPORATION (R1 TO R1B)** and **Z-2167—MANN PROPERTIES (Lauren Lakes PD) (R1 to PDRS)** and **S-3470—HARRISON HIGHLANDS SUBDIVISION, PHASE 1, SECTION 2 (MAJOR-PRELIMINARY)** to April 21, 2004 meeting, and **S-3461—BARR MINOR SUBDIVISION (MINOR-SKETCH)** and **S-3467-TIPPECANOE SHOPPES SUBDIVISION (MINOR SKETCH)** to the April 7, 2004 Executive Committee meeting. Steve Schreckengast seconded and the motion carried by voice vote.

B. ORDINANCE AMENDMENTS

1. **UZO AMENDMENT #42:** An amendment to change UZO Section 3-2-2 Permitted Use Table by allowing SIC 0742 Veterinary Services by right in the OR zone.

Jeff Kessler moved to approve **UZO AMENDMENT #42**. Steve Schreckengast seconded the motion.

Sallie Fahey recapped the staff report with recommendation of approval.

The Commission voted by ballot 13 yes – 0 no to approve **UZO AMENDMENT #42**.

C. REZONING ACTIVITIES

1. **Z-2168—WESTMINSTER VILLAGE WEST LAFAYETTE, INC. (PDRS & MR TO PDRS):** Petitioner is requesting the rezoning of 12.399 acres for the addition of 1

laundry/maintenance lot and 38 single-family lots to expand the independent home component of Westminster Village Community. The site is located on the west side of Salisbury between Sagamore Parkway and Cumberland Ave in West Lafayette, Wabash 7 (NW) 23-4.

Jeff Kessler moved to approve the above-described request. Steve Schreckengast seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and 2 site plans. She read the staff report with recommendation of conditional approval contingent on:

Meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B2-2;
3. A final plat per UZO Appendix B-3-2 as applicable;
4. Appropriate performance bonds submitted with final detailed plans.

Joseph T. Bumbleburg concurred with the staff report and asked for approval. He explained that this would allow more flexibility within the existing planned development.

The Commission voted by ballot 13 yes – 0 no to recommend approval of **Z-2168—WESTMINSTER VILLAGE WEST LAFAYETTE, INC. (PDRS & MR TO PDRS)** to the West Lafayette City Council.

2. **Z-2169—VINSON DEVELOPMENT, LLC (Williams Ridge PD) (PDMX, R3 & AW TO PDMX):** Petitioner is requesting the rezoning of 11.34 acres to PDMX for a mixed-use planned development to be known as Williams Ridge consisting of 13 lots for single-family detached homes, 1 business building lot and 2 outlots. The site is located off 4th Street, north of the entrance into Saw Mill Run, Lafayette, Fairfield 32 (NW) 23-4.

Jeff Kessler moved to approve the above-described request. Steve Schreckengast seconded the motion.

Sallie Fahey presented slides, zoning maps, 2 aerial photos and 2 site plans. She read the staff report with recommendation of conditional approval contingent on:

Meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets (other than preliminary plat) that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B2-2;
3. A final plat per UZO Appendix B-3-2 as applicable;
4. Appropriate performance bonds submitted with final detailed plans;
5. An Erosion and Sediment Control plan meeting the requirements of 327 IAC 15-5, approved by the Tippecanoe County Soil and Water Conservation District and the Lafayette City Engineer;
6. Storm water management approval from the Lafayette City Engineer;
7. Show the subdivision sign at the S. 4th Street entrance inside a common area either by moving the sign or the common area boundary so it includes the sign;

Restrictive Covenants

8. Correction to Article VII section 1, which currently states “...no structure shall be erected or placed on any residential lot other than one single-family dwelling and an attached private garage for one, two or three vehicles.” It should instead state “...no structure shall be erected or placed on any residential lot other than one single-family dwelling and an attached private garage for two or three vehicles”;
9. An addition to the restrictions placed on Lot 14 (business building lot) that would require any future lot owner to submit a pre-construction plan to the Saw Mill Run Homeowner’s Association Architectural Review Committee for approval;

Additional Documents

10. Copies of all correspondence with DNR related to the development plan requirement associated with Sons of Abraham Cemetery;
11. Copies of all correspondence related to attempts to remove the existing billboard on S. 4th Street.

She read the following letters into the record:

Gail and Scott McCormick, 2001 Saw Mill Road, Lafayette, IN, in opposition.

Keth and Merry Sapp, 2017 Durkee’s Run Court, Lafayette, IN, in opposition.

Larry Larrabee, 1830 Mill Pond Lane, Lafayette, IN, in favor.
Greg Myszkowski, 1802 Skyline Road, Lafayette, IN, in favor
Arthur and Patricia Rosen, 1744 Skyline Road, Lafayette, IN, in favor.

Randy Williams, PO Box 1535, Lafayette, IN, stated that Saw Mill Run began 23 years ago. He concurred with the staff report. He mentioned that even with a PD not everyone would be happy. He presented copies of the covenants to the Commission and explained that they have been reviewed and changed to accommodate as many people as possible. He stated that lot 14 has been specifically addressed in the covenants. He pointed out that after meeting with the neighbors, the petitioner revised the covenants to require any future owner of lot 14 to submit a preconstruction plan to the Saw Mill Run homeowners association for approval. He stressed that the deceleration lane would not be removed. He stated that the covenants were also revised to further protect the environment.

Gina Bekley, 1914 Windy Hill Court, Lafayette, IN, commented that the Saw Mill Run neighborhood was very pedestrian friendly, but the neighboring areas were not. She requested a footpath be placed between the first and second sections of Saw Mill Run.

Kim Irr, 221 Saw Dust Drive, Lafayette, IN, President of the Saw Mill Run Homeowners Association, stated that there are a group of residents that opposed a rezone request from Mr. Cummings last year. She mentioned that her husband was on the Saw Mill Run Architectural Committee and was not aware of the new covenant. She mentioned that she and her husband were not opposed to this proposal, but would like Mr. Cummings to work with them.

Randy Williams mentioned that the geography of the area was too steep for a footpath. He pointed out that the covenants specifically stated that nothing could be done to that area that would harm the environment, and steps would. He stated that there was confusion as to who the Homeowners Association President was, and apparently the wrong person was invited to the meeting with Mr. Cummings.

The Commission voted by ballot 13 yes – 0 no to recommend approval **Z-2169—VINSON DEVELOPMENT, LLC (Williams Ridge PD) (PDMX, R3 & AW TO PDMX)** to the Lafayette City Council.

3. Z-2170—G & L DEVELOPMENT, INC. (Blackthorne PD)(PDRS TO PDRS):

Petitioner is requesting the rezoning of 17.49 acres to amend an existing residential planned development, part of the larger Blackthorne mixed-density residential development. This request would allow the developer to add a second building type to the approved plan. Number and locations of the 140 condominium units in 20 buildings of 7 units each in petitioner's original plan are unchanged. Located south of US 52 between Klondike Road and CR 400 W in Wabash 3 (SE) 23-5.

Jeff Kessler moved to approve the above-described request. Steve Schreckengast seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and 3 site plans. She stressed that this request did not contain any change to the number of buildings or units per building already approved. She said that the purpose of this request was to allow for another building alternative. She read the staff report with recommendation of conditional approval contingent on the following:

Meeting all requirements of UZO 2-27-10 for submission of Final Detailed Plans, signed off by those noted in that section, to include:

1. All sheets (other than the preliminary plat) that make up the approved Preliminary Plan, with construction plans for all public streets and utility extensions, and a landscape plan corrected as noted in the Staff Report, and reflecting discussion with American Suburban Utilities to avoid incompatibilities;
2. A final plat, per UZO Appendix B-3-2 as applicable, submitted either with Final Detailed Plans or separately, together with surety for public improvements and improvements for common usage, and with a corrected reference as noted in the Staff Report;
3. An indication on the final plat of no access along any of the public street frontages, other than at designated private drives; and

4. Erosion and sediment control approval from the Soil and Water Conservation District, and water, sanitary sewer and storm water management approval from Indiana-American Water, American Suburban Utilities, and the County Drainage Board.

Additionally, regarding the timing of Final Detailed Plan submission:

5. A final plat of phase 1 of Blackthorne Subdivision – containing the connection to Kerfoot Drive – must be recorded before any part of Blackthorne PD's final plat.

Marianne Owen, Stuart & Branigin, 300 Main Street, Suite 800, Lafayette, IN, concurred with the staff report and asked for approval.

The Commission voted by ballot 13 yes – 0 no to recommend approval of **Z-2170—G & L DEVELOPMENT, INC. (Blackthorne PD)(PDRS TO PDRS)** to the Tippecanoe County Commissioners.

KD Benson left the room.

C. SUBDIVISIONS

1. S-3459—TABOR MINOR SUBDIVISION (MINOR-SKETCH):

Petitioner is seeking primary approval for a 3-lot subdivision on 5.6 acres, located on the south side of CR 900 S, approximately 3/4 mile east of Concord (CR 350 E), in Lauramie 1 (SW) 21-4. CONTINUED FROM THE MARCH EXECUTIVE COMMITTEE MEETING.

Jeff Kessler moved to hear and vote on the above-described request. Steve Schreckengast seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and sketch plan. She recapped the staff report with a recommendation of conditional primary approval contingent on the following condition:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the CR 900 S right-of-way line.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted.
5. Street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Bob Gross, 420 Columbia Street, Ste 100, Lafayette, IN, concurred with the staff report and requested approval.

The Commission voted by ballot 12 yes – 0 no for conditional primary approval of **S-3459—TABOR MINOR SUBDIVISION (MINOR-SKETCH).**

KD Benson returned to the room.

2. S-3462—STORMY RIDGE (MINOR-SKETCH): Petitioners are seeking primary approval for a 1-lot residential subdivision on 2.9309 acres located on the south side of SR 28 between CR 400 E and CR 500 E, Lauramie 24 (NE) 21-4.

Jeff Kessler moved to hear and vote on the above-described request. Steve Schreckengast seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and preliminary plat. She recapped the staff report with a recommendation of conditional primary approval contingent on the following conditions:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).

3. All required building setbacks shall be platted.
4. The Regulatory Flood Elevation and Boundary for the East Branch of the Big Wea Creek Flood Plain shall be shown. It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.
5. The street address and County Auditor's Key Number shall be shown.
6. The two portions of Key #110-04800-0029 that would be created with the recording of the final plat must be combined with petitioners' adjacent property (Key #110-04800-0348) prior to recordation of the final plat.

Ron Wharry, 52 West Clinton Street, Frankfort Street, IN, concurred with the staff report and conditions.

KD Benson asked if there was any building area that was not in the flood plain.

Ron Wharry replied affirmatively.

The Commission voted by ballot 13 yes – 0 no for conditional primary approval of **S-3462—STORMY RIDGE (MINOR-SKETCH)**.

3. **S-3463—ABIGAIL SUBDIVISION (MINOR-SKETCH):** Petitioners are seeking primary approval to replat two lots into one 0.725-acre lot. The site is located at the northeast corner of Carmel Drive and Boes Court, in West Lafayette, Wabash 7 (SW) 23-4.

Jeff Kessler moved to hear and vote on the above-described request. Steve Schreckengast seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and sketch plan. She recapped the staff report with a recommendation of conditional primary approval contingent on the following condition:

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded). The location of the monitoring well shall be designated on the final plat.
2. All required building setbacks shall be platted.
3. The street address and County Auditor's Key Number shall be shown.

Jerry Downham, 1751 Mill Pond Lane, Lafayette, IN, stated that he represented the petitioner, concurred with the staff report and asked for approval.

The Commission voted by ballot 13 yes – 0 no for conditional primary approval of **S-3463—ABIGAIL SUBDIVISION (MINOR-SKETCH)**.

4. **S-3469—LAFAYETTE HOTEL PARTNERSHIP (MAJOR-PRELIMINARY):** Petitioner is seeking primary approval for a 3-lot commercial subdivision on 8.16 acres, located at the southeast corner of SR 26 and Marketplace Drive, in Lafayette, Fairfield 25 (NW) 23-4.

Jeff Kessler moved to hear and vote on the above-described request. Steve Schreckengast seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and preliminary plat. She stated that the petitioner has requested permission to bond. She recapped the staff report with a recommendation of conditional primary approval contingent on the following condition:

A. Variances

1. A variance to reduce the required right-of-way dedication for the Progress Drive extension from a 70-ft. width to 60-ft.

B. Conditions

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. If required, any plans for new sanitary sewer, water or drainage shall be approved by the Lafayette City Engineer.

2. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District.
3. If extensions for any private utilities are required, an on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

4. A "No Vehicular Access" statement shall be platted along the SR 26 right-of-way line.
5. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
6. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
7. All required building setbacks shall be platted.
8. The street addresses and County Auditor's Key Number shall be shown.
9. Prior to the platting of the Progress Drive extension and Lot 3, the existing high-rise sign shall be relocated to Lot 2.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

10. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

Daniel Teder, PO Box 280, Lafayette, IN, thanked the staff for completing UZO amendment #42 so quickly. He concurred with the staff report and asked for approval of the variance, bonding and subdivision.

Michael Smith asked what the variance was pertaining to.

Daniel Teder explained that the variance was to reduce the right-of-way from 60' to 70'.

The Commission voted 13 yes - 0 no to approve the variance.

The Commission voted 13 yes - 0 no to permit bonding for all public improvements

The Commission voted by ballot 13 yes – 0 no for conditional primary approval of **S-3469—LAFAYETTE HOTEL PARTNERSHIP (MAJOR-PRELIMINARY)**

5. S-3471—SHAWNEE RIDGE SUBDIVISION, PHASE 4 (MAJOR-PRELIMINARY):

Petitioner is seeking primary approval for a 79-lot addition to the existing single-family subdivision. This 52.17-acre site is located north of CR 600 N, between SR 43 and Prophets Rock Road, in Tippecanoe 22 (SE) 24-4.

Jeff Kessler moved to hear and vote on the above-described request. Steve Schreckengast seconded the motion.

Sallie Fahey presented slides of the zoning map, 2 aerial photos and the preliminary plat. She stated that the petitioner has requested permission to bond. She stated that the issue with the TSC required cul-de-sac has been resolved. She recapped the staff report with a recommendation of conditional primary approval contingent on the following condition:

1. "Charnel Place", or an acceptable substitution, shall be approved by the Post Office, 911, and APC Staff prior to the submission of the construction plans.

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

2. The Town of Battle Ground shall approve the sanitary sewer plans.
3. The Battle Ground Water Conservancy District shall approve the water plans.
4. The Tippecanoe Township Fire Department shall approve the fire hydrants. Plans for the actual placement of the hydrants shall be approved by the Battle Ground Water Conservancy District in cooperation with the Fire Department.
5. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
6. The County Drainage Board shall approve the drainage plans.

7. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.
8. On the grading plan, the lowest floor elevation for any building pad within 100 ft. of the FP (Flood Plain) district shall meet the flood protection grade.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

9. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
10. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
11. Access easements shall be provided from public streets to Outlots A & B.
12. All required building setbacks shall be platted.
13. The Battle Ground corporation line shall be labeled.
14. When the final grading is complete, the Regulatory Flood Elevation and Boundary for the Burnett's Creek Flood Plain shall be shown. It shall also be described and certified as specified in Unified Zoning Ordinance, Section 2-26-17.
15. The street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

16. The purpose, ownership and maintenance of Outlots A and B shall be specified.
17. The report from Landmark Archaeological and Environmental Services, Inc. concerning the Deardorff Family Cemetery shall be recorded and referenced in the subdivision covenants.

KD Benson asked if the pipeline was buried and if it was an easement, if a road could be put on it.

Sallie Fahey stated that the pipeline company is cautious about what they would allow over it because it is under high pressure.

Marianne Owen, Stuart & Branigin, 300 Main Street, Suite 800, Lafayette, IN, stated that it would be very difficult to have any kind of development on a pipeline easement. She concurred with the conditions and staff report and asked for approval.

Margaret Olivares, 631 Gallegos Drive, West Lafayette, IN, stated that she was also speaking for Jennifer Sundell, 6327 Gallegos Drive. She stated that her property lies on the sanitary sewer easement that supports this proposed subdivision. She said that the work for the sanitary sewer has been started but not completed. She explained that the covenants for 6327 Gallegos Drive state that the work on the sewer line would be completed in 30 days and that has not been followed. She presented pictures of the ongoing work and said that the work on the sewer line has been going on for 6 months and not 30 days. She stated that Gunstra has done a good job at limiting the number of trees that it takes down but explained that the covenants also say they have to replace them and that has not been fulfilled yet. She said that the drainage ditch for the proposed subdivision runs through her backyard along with the sewer line. She stated that in order to fix that they had to put in a concrete pipe and it was not done correctly and forced all the water onto her property. She mentioned that the flow has been corrected, but damage to her property was already done. She stated that she is not opposed to the development but has concerns with the easement of the pipeline. She pointed out that all of the equipment and supplies were staged on her property when they could have placed it on a lot in Shawnee Ridge. She reiterated that she was not opposed to the development, only to them not fulfilling their obligation to repair the landscape. She asked that approval be withheld until the sanitary sewer is done.

Vicki Gossen, 6319 Gallegos Drive, West Lafayette, IN, stated that she was concerned about the drainage for Shawnee Ridge. She said that the drainage basin outlet has been rebuilt twice after two failures that caused damage to the ditch in her yard. She presented photos of the drainage ditch. She pointed out that some of the trees are undercut and falling down. She said that she did not want the subcontractors not to work on the ditch, only that they not feed anymore water to it. She stated that whatever computer program had designed this plan was not accurate or working. She explained how heavy rains move boulders and sweep away sand under vegetation at an extremely fast rate. She requested covering the two 15" drains with screens or grids and sealing or filling in the abandoned well.

Marianne Owen stated that the sanitary sewer line was difficult to complete and needed more approvals than usual, which prolonged its completion. She said that as soon as spring arrives they should be able to complete that. She pointed out that the issues of drainage would be reviewed and approved by the drainage board. She stated that this proposal complies with the UZO and USO and asked for approval.

KD Benson stated that the drainage board meets the first Wednesday of the month.

John Knochel suggested that anyone with concerns about drainage should contact the County Surveyor's office so that the Surveyor could notify them when this subdivision would be on the Drainage Board agenda.

Mark Hermodson stated that this Commission does not handle drainage. He said that it would be important to address these concerns at the Drainage Board meeting.

Jay Seeger stated that any violation of the covenants would be an individual concern of the property owners. He said that would not affect the approval of this plat. He stressed that they were private rights that the homeowner could address with an attorney.

An audience member asked if this Commission would address the safety issues of uncovered drains.

KD Benson stated that also fell under the Drainage Board.

Steve Schreckengast pointed out that there are a few more steps in getting a subdivision approved and not just this Commission.

Margaret Olivares requested that lot 168 be reviewed for buildable area.

Jay Seeger stated that the UZO would determine whether it could be built on.

The Commission voted 13 yes - 0 no to permit bonding for all public improvements

The Commission voted by ballot 13 yes – 0 no for conditional primary approval of **S-3471—SHAWNEE RIDGE SUBDIVISION, PHASE 4 (MAJOR-PRELIMINARY).**

V. ADMINISTRATIVE MATTERS

Covered under Directors Report

VI. APPROVAL OF THE MARCH EXECUTIVE COMMITTEE AGENDA

Jeff Kessler moved that the following subdivision petitions be placed on the April 7, 2004 Executive Committee Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3453-LANE MINOR SUBDIVISION (MINOR-SKETCH)

S-3477-STONERS LANDING MINOR SUBDIVISION (MINOR-SKETCH)

S-3478-GLYNN VIEW SUBDIVISION (MINOR-SKETCH)

RE-0026 – FOREST RIDGE RURAL ESTATE (MAJOR PRELIMINARY)

Steve Schreckengast seconded and the motion carried by voice vote.

VII. DETERMINATION OF VARIANCES – AREA BOARD OF ZONING APPEALS

None

VIII. DIRECTOR'S REPORT

Sallie Fahey stated that so far the best date for the Purdue presentation would be April 26, 2004 at 4:30, in the Tippecanoe Room. She presented an email regarding a training session for Plan Commission members that is being held at Ball State University, taught by the Indiana Land Resources Council and available on March 31, April 7, and April 14. She highlighted the following topics from the written directors report: approval of the Hazard Elimination and Safety Grants; GIS projects; 9-1-1 data development project and integration of databases; Transportation Study Administration; Unified Planning Work Program; working on meeting with INDOT on the 231 projects; status of Annual Report; Board of Zoning

Appeals replacement; building permits and articles on demographics, renting to students and housing for retirees and seniors.

KD Benson asked if the reorganization of the APC staff would be on the Budget and Personnel Agenda. She mentioned that the staff was still short a person.

Sallie Fahey stated that the staff was short one person. She said that she felt like she should complete the Work Program first.

Steve Schreckengast asked if there was a concern with an APC member attending the Mann Properties meeting on April 15.

Jay Seeger stated that there could not be more than 7 APC members together at once. He stated that there was not a problem with members attending, just not all at once.

IX. CITIZENS' COMMENTS AND GRIEVANCES

Jeff Kessler requested that the Ordinance Committee look at requiring the developers to pay for sirens in new developments

Sallie Fahey stated that Margy Deverall was not present because of a funeral of a close friend. She introduced Don Lamb to the Commission.

X. ADJOURNMENT

Jeff Kessler moved for adjournment. Steve Schreckengast seconded and the motion carried by voice vote.

The meeting was adjourned at 9:00 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



Sallie Dell Fahey
Executive Director